

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

CUTTER HALLEMAN,

Plaintiff,

v.

CUTTER BUG SPRAY, *et al.*,

Defendants.

Case No. 3:23-cv-00498-MMD-CSD

ORDER

Plaintiff Cutter Hallemann, an inmate at the Washoe County Detention Facility, brings various causes of action against corporations and the U.S. government, as well as an application to proceed *in forma pauperis* ("IFP"). (ECF Nos. 1, 1-1.) Before the Court is the Report and Recommendation ("R&R") of United States Magistrate Judge Craig Denney, recommending that the Court grant Hallemann's IFP application and that this action be dismissed with prejudice. (ECF No. 3.) To date, Plaintiff has not filed an objection to the R&R. For the reasons explained below, the Court adopts the R&R in full.

Because there is no objection, the Court need not conduct *de novo* review, and is satisfied that Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) ("De novo review of the magistrate judges' findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.").

**I. IFP APPLICATION**

Judge Denney recommended granting Hallemann's IFP application (ECF No. 1) because his certified account statement indicates that his average monthly balance for the last six months was \$1.94, and his average monthly deposits were \$20. (ECF No. 3 at 2.) The Court is satisfied that Judge Denney did not clearly err in finding that Hallemann has met the appropriate standards to proceed IFP and adopts his recommendation.

1 Halleman is not required to pay an initial partial filing fee; however, whenever his prison  
2 account exceeds \$10, he must make monthly payments in the amount of 20 percent of  
3 the preceding month's income credited to his account until the \$350 filing fee is paid.

## 4 **II. SCREENING OF THE COMPLAINT**

5 Halleman appears to allege that: (1) Cutter Bug Spray committed copyright  
6 infringement, slander, libel, and defamation by using his first name, Cutter, as the name  
7 of their bug spray; (2) an unspecified party tampered with his mail and his objection to a  
8 R&R in case number 3:22-cv-00345-MMD-CLB was never filed; (3) Dollar General  
9 committed copyright infringement, slander, and defamation by advertising that they sell  
10 Cutter Bug Spray; (4) the FBI, IRS, and Social Security Administration were negligent in  
11 failing to provide him a place to live and a fixed income; and (6) Kern Co./LA caused him  
12 mental anguish. (ECF No. 1-1.) In laying out these claims, he includes seemingly  
13 unrelated factual allegations, such as that he found two Dollar General hoodies in the  
14 bathroom of the sober living facility where he overdosed and that BNSF paid \$40,000 for  
15 Halleman to go back to work and get on a train and this led to Halleman being chased an  
16 oil refinery. (*Id.*) Halleman also requests the appointment of counsel. (*Id.*)

17 Judge Denney recommends that the Court dismiss this action with prejudice, as  
18 the claims are frivolous and amendment would be futile. (ECF No. 3 at 5-6.) The Court  
19 agrees that Halleman's claims lack "an arguable basis either in law or in fact" due to their  
20 "claims of infringement of a legal interest which clearly does not exist" and "claims  
21 describing fantastic or delusional scenarios." *Neitzke v. Williams*, 490 U.S. 319, 325, 327-  
22 28 (1989). Thus, the Court has the authority to dismiss these claims due to their basis in  
23 both "an indisputably meritless legal theory" and "clearly baseless" factual contentions.  
24 *Id.* at 327.

25 The Court is satisfied that Judge Denney did not clearly err and adopts his  
26 recommendations in full. This action is dismissed with prejudice.

27 ///

28 ///

1 **III. CONCLUSION**

2 The Court is satisfied that Judge Denney did not clearly err. Having reviewed the  
3 R&R and the record in this case, the Court will adopt the R&R in full.


4 It is therefore ordered that Judge Denney's R&R (ECF No. 3) is accepted and  
5 adopted in full.

6 It is further ordered that Plaintiff's IFP application (ECF No. 1) is granted. Plaintiff  
7 is not required to pay an initial partial filing fee; however, whenever his prison account  
8 exceeds \$10, he must make monthly payments in the amount of 20 percent of the  
9 preceding month's income credited to his account until the \$350 filing fee is paid.

10 It is further ordered that all claims in the complaint are dismissed with prejudice.

11 The Clerk of the Court is directed to enter judgment accordingly and close this  
12 case.

13 DATED THIS 31<sup>st</sup> Day of January 2024.

14   
15 \_\_\_\_\_  
16 MIRANDA M. DU  
17 CHIEF UNITED STATES DISTRICT JUDGE  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28